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IN THE

Supreme Court of the United States

CONSUMERS UNION OF UNITED STATES, INC.,
Petitioner,

v.

SUZUKI MOTOR CORP.,
Respondent.

On Petition for Writ of Certiorari to the United States Court of Appeals for the Ninth Circuit

BRIEF FOR THE CONSUMER FEDERATION OF AMERICA AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

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September 22, 2003

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BRIEF FOR THE CONSUMER FEDERATION OF AMERICA AS *AMICUS CURIAE* IN SUPPORT OF PETITIONER

INTEREST OF THE *AMICUS CURIAE*[1]

This brief is filed on behalf of the Consumer Federation of America ("CFA"), a nonprofit umbrella organization of 300 local, state, and national consumer groups from all 50 states and the District of Columbia. A full list of CFA's members is included in the Appendix hereto. CFA's constituent member organizations count more than 50 million individuals in their collective membership.

[1] No counsel for any party authored this brief either in whole or in part, and no persons other than the *amicus curiae* and their counsel made any monetary contribution to its preparation or submission. The parties' written consents to the filing of this brief have been filed with the Clerk of the Court.

On behalf of its members, CFA gathers, analyzes, and disseminates information about a range of consumer issues to the public, Congress, and federal agencies. CFA seeks to provide a voice for the concerns of consumers, particularly those of limited means. Many of CFA's members evaluate consumer products and publish reports detailing the results of their studies; those reports are often critical of the products reviewed.

The ability of CFA and its members to provide important information to the public about products and services in the marketplace would be jeopardized if they were forced to absorb the costs of defending at trial against meritless product disparagement and libel suits. Therefore CFA and its members have a keen interest in the standard to be applied on review of motions for summary judgment in such actions.

INTRODUCTION AND SUMMARY

This action concerns the proper standard for reviewing an order of summary judgment in favor of a media defendant in a product disparagement or libel case. The factual background and procedural history of this case are set forth in detail in the Petition and in the decision of the Ninth Circuit, 330 F.3d 1110, 1127 (9th Cir. 2003), Pet. App. 1a, and *amicus* incorporates and adopts those statements by reference.

A summary judgment standard in product disparagement and libel cases that facilitates the dismissal of meritless actions before trial is vital to the functioning and survival of organizations that comment on consumer products. This Court has not previously had the occasion to clarify this standard, and it should do so now.

In *Bose Corp.* v. *Consumers Union of United States, Inc.*, 466 U.S. 485 (1984), the Court held that, after the trial in a defamation action concerning a public figure, courts must make an "independent review" of the "whole record" to determine whether "clear and convincing evidence" of "actual

malice" exists per *New York Times* v. *Sullivan*, 376 U.S. 254 (1964). *Bose* did not address the central question at issue here: whether courts must conduct such independent review of the evidence when deciding a media defendant's motion for summary judgment.

Independent review of the evidence before trial—which the Ninth Circuit held is not permitted—is critical to the ability of organizations that comment on consumer products to perform their important watchdog function. The Ninth Circuit's view that the *Bose* rule applies only to "the review of a judgment rendered after trial" (330 F.3d at 1133 n.10, Pet. App. 16a n.10) condemns consumer organizations to defending all but the most frivolous product disparagement and libel actions through trial, rather than obtaining dismissal of unfounded actions in advance of trial. Forcing consumer organizations to face a trial before the court may independently review the entire record (even after a full summary judgment record has been established) is a pointless and expensive exercise that will only encourage such litigation against product reviewers. As Judge Kozinski noted in his dissent from the Ninth Circuit's denial of rehearing *en banc*, "[i]f Suzuki can get to trial on evidence this flimsy, no consumer group in the country will be safe from assault by hordes of handsomely paid lawyers deploying scorched-earth litigation tactics." 330 F.3d at 1121, Pet. App. 69a.

In Part I we explain the damage that the Ninth Circuit's ruling will do to the many organizations that comment on consumer products. In particular, we explain the importance of the summary judgment standard to consumer-organization defendants in product disparagement actions, for which the expense of even a single trial could mean their demise.

In Parts II and III we discuss several aspects of the Ninth Circuit's ruling that are particularly troubling for consumer organizations. In Part II we explain that the Ninth Circuit's reliance on Petitioner's financial position as evidence that Petitioner had a motive to embellish its Suzuki Samurai study

sets a dangerous precedent that will permit courts to use a defendant's finances, standing alone, as possibly determinative evidence of product disparagement or libel. In Part III we show that First Amendment principles cannot be squared with the Ninth Circuit's view that Petitioner's failure to explain to the court's satisfaction why the results of its Samurai study differed from the government's conclusions constitutes possibly determinative evidence that Petitioner may have purposefully avoided the truth. Consumer organizations should not stand trial simply because a court is not convinced that they have fully explained why the results of their studies are not in line with the views of the government.

ARGUMENT

I. A Summary Judgment Standard That Permits District Courts To Dispose of Cases Where a Jury Verdict in Favor of the Plaintiff Would Not Survive the Court's Independent Review of the Evidence Is Important to Organizations That Comment on Consumer Products.

The Ninth Circuit's conclusion that courts may not independently review the whole record when considering motions for summary judgment in product disparagement and libel actions would have far-reaching, negative implications for the many organizations that comment on consumer products. Such a rule would limit the ability of media defendants to dispose of such claims at a relatively early stage of litigation. It would subject those organizations—many of which are poorly funded and could not survive the expense of even a single substantial libel trial—to the continued threat of libel suits, any one of which could effectively drain its entire budget. And the prospect of expensive libel trials may limit the vigor with which consumer organizations perform their valuable roles. For all of these reasons, certiorari is warranted.

A. There are a large number of organizations that test and comment on consumer products. These organizations range from giant media conglomerates to well-known product reviewers (such as Petitioner), to national organizations that review a limited range of products and services (such as AARP), to many local organizations that review particular types of products (such as many of CFA's members).

These organizations are often short on funds, and they rely on year-round fundraising campaigns to ensure their continued viability. See Stephen Brobeck, *Fund-Raising*, *in* Encyclopedia of the Consumer Movement 283, 283–85 (Stephen Brobeck ed., 1997). The prime "commodity" offered by these consume organizations is their unbiased judgment about the value of products, services, or other government or private initiatives. In contrast, the products that consumer organizations test and review are typically offered by large, well-funded corporations with significant litigation budgets. Those product producers have substantial incentives to bring lawsuits as one method of defending their products against damaging criticism, whether the product review at issue was actionable or not. The incentive for a product manufacturer to defend itself through litigation is especially great when the target of the action is a small, poorly funded consumer organization that may not be able to afford the costs of defending itself. See Robert O. Herrmann & Robert N. Mayer, *U.S. Consumer Movement: History and Dynamics*, *in* Encyclopedia of the Consumer Movement 584, 599 (Stephen Brobeck ed., 1997) ("[T]he organizations of the consumer movement constantly face the problem[] of financial insecurity * * *. Even those organizations that have established a relatively firm financial base usually cannot match resources with business-financed opponents.").

This incentive for product manufacturers to litigate negative product reviews is particularly troublesome because of the great cost of defending such actions. By some estimates, taking a libel case to trial costs a defendant four

times as much as if the matter is resolved on summary judgment. See Donald M. Gillmor, Power, Publicity, and the Abuse of Libel Law 130–31 (1992); see also Roselle L. Wissler *et al.*, *Resolving Libel Disputes Out of Court: The Libel Dispute Resolution Program*, *in* Reforming Libel Law 286, 287 (John Soloski & Randall P. Bezanson eds., 1992) ("[T]he main economic impact of libel on the media today is the high cost of defending a seriously litigated suit. To defend such a suit through trial typically costs the media $150,000.") (footnote omitted).

B. The high costs of taking a libel case to trial makes summary judgment a particularly important procedural device in such actions. "One of the principal purposes of the summary judgment rule is to isolate and dispose of factually unsupported claims or defenses * * *." *Celotex Corp.* v. *Catrett*, 477 U.S. 317, 323–24 (1986). Summary judgment "'allows courts and litigants to avoid full-blown trials in unwinnable cases, thus conserving the parties' time and money and permitting courts to husband scarce judicial resources.'" 11 James Wm. Moore *et al.*, Moore's Federal Practice ¶ 56.02, at 56-20 (2003) (citation omitted). As another group of commentators put it: "Growing concern over cost and delay in civil litigation has focused increased attention on Rule 56 as a vehicle to implement the objectives of Fed.R.Civ.P. 1—the just, speedy, and inexpensive resolution of litigation." William W. Schwarzer *et al.*, *The Analysis and Decision of Summary Judgment Motions*, 139 F.R.D. 441, 445 (1991). Accordingly, "[s]ummary judgment has become recognized * * * as a procedure for avoiding unnecessary trials on insufficient claims or defenses * * *." *Id.* at 451.[2] Indeed, "defendants in libel cases depend on

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[2] As one of the seminal articles on summary judgment stated: "Except where a trial is necessary to settle an issue of fact, the whole judicial process is, by [the summary judgment] procedure, made to function more quickly and with less complexity than in the ordinary long drawn out

summary judgment to quickly and (relatively) cheaply dispose of most libel cases." Susan M. Gilles, *Taking First Amendment Procedure Seriously: An Analysis of Process, in Libel Litigation*, 58 Ohio St. L.J. 1753, 1764 (1997–1998).

The Ninth Circuit's rule, which makes summary judgment more difficult to obtain in product disparagement and libel cases, would undermine *Sullivan*, which provides heightened protection to speech about public figures. The significant costs associated with taking libel suits to trial could force consumer organizations to spend most—or all—of their limited budgets defending even meritless suits at trial. Libel insurance provides only limited relief for some consumer organizations, as it is expensive and not universally available. And such insurance is often not renewed—or its cost increases dramatically—once an insurer is forced to incur the costs of a libel trial.

Finally, the risk of facing the costs of a libel trial will inevitably lead consumer organizations to attempt to limit their exposure by publishing fewer articles that are substantially critical of consumer products and services and by soft-pedaling the legitimate problems and inadequacies that their research uncovers. This chilling of the valuable work that consumer organizations perform would create "an atmosphere in which the First Amendment freedoms cannot survive." *Sullivan*, 376 U.S. at 278.

II. The Ninth Circuit's Reliance on Petitioner's Financial Situation Is Dangerous to Consumer Organizations and to the Public Interest in Candid Product Evaluations.

The Ninth Circuit panel majority permitted Suzuki to use evidence of a particular financial outlay by Petitioner as possibly determinative evidence in favor of a finding that

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suit." Charles E. Clark & Charles U. Samenow, *The Summary Judgment*, 38 Yale L.J. 423, 423 (1929).

Petitioner had acted with actual malice. 330 F.3d at 1127 n.1 & 1135–36, Pet. App. 3a n.1 & 22a. It concluded that while "financial motive cannot, by itself, prove actual malice, it nonetheless is a relevant factor bearing on the actual malice inquiry." 330 F.3d at 1136, Pet. App. 22a. The panel added that "[t]he fact that CU needed to boost its revenues to complete its capital campaign lends credence to Suzuki's contention that CU rigged the Samurai testing to produce the predetermined rollover result." 330 F.3d at 1136, Pet. App. 22a–23a.

These conclusions are contrary to *Harte-Hanks Communications, Inc.* v. *Connaughton*, 491 U.S. 657 (1989), in which this Court held that a media defendant's "motive in publishing a story," including "to increase * * * circulation" or "to increase its profits" "cannot provide a sufficient basis for finding actual malice." *Id.* at 665, 667. The Ninth Circuit tried to side-step *Harte-Hanks* by stating that Petitioner's financial motive was simply "a relevant factor" that "dovetails" with the other evidence. 330 F.3d at 1136, Pet. App. 22a. But if financial motive is not sufficient by itself to show actual malice, it certainly cannot be sufficient to tip the scales in favor of such a finding when combined with other evidence of alleged actual malice, thus providing a ground for denying summary judgment in favor of the defendant.

This holding also has important negative consequences for consumer organizations. It means that the often tenuous financial position of consumer groups—which they face by the very nature of the work they perform—will always be relevant and perhaps outcome-determinative evidence of an intention to exaggerate results that disparage the products being reviewed and to disregard evidence that an organization's conclusions are false. Consumer organizations will therefore automatically have one strike against them in product disparagement and libel actions. And this negative inference will exist regardless of whether the organization's finances have any direct connection to the review of the

product at issue. It would be extraordinarily damaging to First Amendment values to force an organization to undergo an expensive trial simply because there exists some evidence that the organization has financial difficulties. That result goes a long way towards making the freedom on speech protected by the First Amendment a perquisite of the rich alone. Certiorari is warranted to correct this error by the Ninth Circuit.

III. The Ninth Circuit's Reliance on the Existence of an Inconsistent Government Report Is Dangerous to Consumer Organizations and to the Public Interest in Candid Product Evaluations.

The Ninth Circuit also concluded that Petitioner failed to adequately explain why it relied on human drivers to test the Samurai, when the National Highway Traffic Safety Administration ("NHTSA") had criticized such testing methods. The court found this discrepancy to be evidence warranting a trial whether Petitioner "purposely avoided the truth." 330 F.3d at 1136, Pet. App. 24a. In particular, the Ninth Circuit concluded that even though Petitioner "challenged the NHTSA report head on, stating its disagreement in detail and supporting its alternative conclusions with substantive justifications," it nonetheless did not "respond to the criticism of its testing procedures as overly influenced by driver input." 330 F.3d at 1138, Pet. App. 28a.

This conclusion simply cannot be consistent with the First Amendment. Consumer organizations do not exist merely to replicate the testing procedures the government may prefer. Similarly, they should not be required to stand trial simply because their tests do not match those preferred by the government, or because they do not sufficiently explain why they used different testing procedures. Here, Petitioner disclosed fully its testing procedures. Petitioner did not report testing that had never occurred or falsify the results of its tests. If a reader was interested in whether Petitioner's

testing protocol differed from that preferred by the government and whether that protocol made sense, all they needed to do was review Petitioner's report. This disclosure satisfies any legitimate expectation that a product manufacturer could have concerning the truthfulness of a product review such as that at issue here. As Judge Kozinski noted, "[t]he appropriate response to a poorly designed experiment is to conduct a better one and then convince people that your method is more accurate—not to sue the other guy into silence." 330 F.3d at 1121, Pet. App. 68a.

This issue has significant ramifications for all product reviewers. After the Ninth Circuit's decision, reviewers will risk an expensive trial if they neither replicate the government's testing techniques nor satisfy a court that they were justified in testing a different way. That standard cannot be squared with the First Amendment's commitment to robust debate. For this additional reason, certiorari is warranted to correct the Ninth Circuit's unprecedented decision.

CONCLUSION

For the reasons set forth in the Petition and above, this Court should grant the petition for writ of certiorari.

Respectfully submitted,

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APPENDIX
Members of the Consumer Federation of America

1st Advantage Federal Credit Union (VA)
1st Credit Union (MO)
1st Rochdale Cooperative Group, Ltd. (NY)
AARP
Aiken Electric Cooperative (SC)
Alabama Arise
Alabama Municipal Electric Authority
Alabama Rural Electric Association
Alabama Watch
Alaska Public Interest Research Group
Alliance Credit Union (CA)
Alliance for Retired Americans
American Association of Homes and Services for the Aging
American Council on Consumer Awareness
American Council on Consumer Interests
American Homeowners Grassroots Alliance
American Public Health Association
American Public Power Association
Arizona Consumers Council
Arizona Credit Union League
Arkansas Credit Union League
Arkansas Federal Credit Union
Arkansas Public Policy Panel
Association of Louisiana Electric Cooperatives
Basin Electric Power Cooperative (ND)
Bay Ridge Consumer Federation (NY)
Bayer Credit Union (MO)
Bread for the World Institute
Broward County Consumer Affairs Division (FL)
Bucks County Consumer Protection (PA)
California Consumer Affairs Association
California Department of Consumer Affairs
California Labor Federation AFL–CIO
California & Nevada Credit Union Leagues

California Public Interest Research Group
Campaign for Tobacco–Free Kids
Carolina Collegiate Federal Credit Union (SC)
Carolina Foothills Federal Credit Union (SC)
Center for Auto Safety
Center for Community Self–Help
Center for Economic Justice
Center for Economic Progress
Center for Insurance Research
Center for Justice and Democracy
Center for Public Interest Law
Center for Science in the Public Interest
Center for the Study of Services
Central Electric Cooperative (SD)
Central Power Electric Cooperative (ND)
Champaign County Health Care Consumers (IL)
Chartway Federal Credit Union (VA)
Chicago Consumer Coalition
Citizen Equity First Credit Union (IL)
Citizen's Utility Board of Oregon
City of Anaheim Public Utilities (CA)
City of Detroit Consumer Affairs Department
City of Mesa, Utilities Department (AZ)
City Utilities of Springfield (MO)
Cleveland Consumer Action
Coalition for Consumer Rights
Coastal Federal Credit Union (NC)
Colorado Credit Union League
Colorado Public Interest Research Group
Colorado Rural Electric Association
Columbia Consumer Education Council (SC)
Community Action Partnership of Mercer County (PA)
Connecticut Public Interest Research Group
Consumer Action
Consumer Assistance Council
Consumer Credit Counseling Service of St. Louis, Inc. (MO)
Consumer Energy Council of America

Consumer Federation of California
Consumer Fraud Watch
Consumer League for Education and Reform
Consumer Protection Association
Consumers Cooperative Society of Santa Monica (CA)
Consumers for Auto Reliability and Safety
Consumers for Auto Reliability and Safety Federation
Consumers League of New Jersey
Consumers League of Ohio
Consumers Union
Consumers Union/Southwest Regional Office (TX)
Consumers United Association
Consumers United/Minnesotan's for Safe Foods
Council of New York Cooperatives & Condominiums
Credit Union Executives Society
CUNA and Affiliates
CUNA Credit Union (WI)
CUNA Mutual Group (WI)
Defense Credit Union Council
Democratic Processes Center
Department of Family & Consumer Studies (UT)
Disability Policy Consortium
District of Columbia Credit Union League
East River Electric Power Cooperative (SD)
Economic Justice Institute
Empire State Consumer Association
ESL Federal Credit Union (NY)
Families Advocating Injury Reduction
Family Trust Federal Credit Union (SC)
First Missouri Credit Union
Florence Educators Federal Credit Union (SC)
Florida Action Coalition Team
Florida Attorney General's Office
Florida Consumer Action Network
Florida Credit Union League
Florida Department of Agriculture and Consumer Services
Florida Electric Cooperatives Association

Florida Funeral & Cemetery Consumer Advocacy
Florida Municipal Electric Association
Florida Public Interest Foundation
Florida Public Interest Research Group
Food & Allied Service Trades
Food Research and Action Center
FreedomFirst Credit Union (VA)
Ft. Collins Light & Power Utility (CO)
Fund Democracy, Inc.
Funeral Consumers Alliance
Georgetown Kraft Credit Union (SC)
Georgia Public Interest Research Group
Greater Lawrence Community Action Council, Inc. (MA)
Greenbelt Consumer Cooperative (MD)
Group Health Cooperative (WA)
HALT
Handgun Control
Harbour Credit Counseling Services, Inc. (VA)
Harlem Consumer Education Council
Heartland Community Credit Union (MO)
Hillsborough County Consumer Protection Agency (FL)
Human Solutions
Idaho Consumer Affairs
Illinois Credit Union League
Illinois PIRG Education Fund
Indiana Credit Union League
Indiana Statewide Association of Rural Electric Cooperatives
International Association of Lemon Law Administrators
Iowa Association of Municipal Utilities
Iowa Credit Union League
Iowa Public Interest Research Group
Kalamazoo District Bell Federal Credit Union (MI)
Kansas City Neighborhood Alliance (MO)
Kansas Credit Union Association
Kansas Municipal Utilities
Kids In Danger
Laclede Family Savings Credit Union (MO)

Lafayette Utilities System (LA)
Legal Services of North Florida
Liberty Federal Credit Union (SC)
Lincoln Electric System (NE)
Lockheed Federal Credit Union (CA)
Lyon-Lincoln Electric Cooperative, Inc. (MN)
Maryland Consumer Rights Coalition
Maryland Public Interest Research Group
Massachusetts Consumers' Coalition
Massachusetts Credit Union League
Massachusetts Office of Consumer Affairs and Business Regulation
Massachusetts Public Interest Research Group
Mazuma Credit Union (MO)
MCAS Beaufort Federal Credit Union (SC)
McCoy Federal Credit Union (FL)
Mecklenburg Electric Cooperative (VA)
Michigan Consumer Federation
Michigan Municipal Electric Association
Michigan State AFL–CIO
Mid–West Electric Consumers Association
Minnesota AFL–CIO
Minnesota Credit Union Network
Minnesota Municipal Utilities Association
Minnesota Public Interest Research Group
Minnesota Valley Cooperative Light and Power Association
Missouri Central Credit Union
Missouri Credit Union Association
Missouri Public Interest Research Group
Missouri River Energy Services (SD)
Missourians for Affordable Reliable Energy Service
Montana Public Interest Research Group
Montgomery County Division of Consumer Affairs (MD)
Moorhead Public Service (MN)
Municipal Electric Systems of Oklahoma
National Association of Consumer Advocates
National Association of Consumer Agency Administrators

National Association of Federal Credit Unions
National Association of Housing Cooperatives
National Association of Unclaimed Property Administrators
National Center for Appropriate Technology
National Center on Poverty Law
National Citizens Coalition for Nursing Home Reform
National Consumer Law Center
National Consumers League
National Cooperative Bank
National Cooperative Business Association
National Farmers Union
National Low Income Housing Coalition
National Rural Electric Cooperative Association
National Rural Telecommunications Cooperative
Navy Federal Credit Union (VA)
New Jersey Public Interest Research Group Citizen Lobby
New Mexico Public Interest Research Group
New York Citizens Utility Board
New York City Board of Education Employees, Local 372
New York City Department of Consumer Affairs
New York City Consumer Assembly
New York Public Interest Research Group
Niagara Frontier Consumer Association (NY)
North Carolina Association of Electric Cooperatives
North Carolina Consumers Council
North Carolina Hunger Network
North Carolina Justice & Community Development Center
North Carolina Public Interest Research Group
North Dakota Association of Rural Electric Cooperatives
Northeast Public Power Association
Northwestern Rural Electric Cooperative Association (PA)
NRL Federal Credit Union (MD)
Nutritional Resource Center
Ohio Consumers' Counsel
Ohio Municipal Electric Association
Ohio Public Interest Research Group
Ohio State AFL–CIO

Oklahoma Association of Electric Cooperatives
Orange County Teachers Federal Credit Union (CA)
Oregon Consumers League
Oregon State Public Interest Research Group
ORNL Federal Credit Union (TN)
PACE, International Union
Palmetto Citizens Federal Credit Union (SC)
Pennsylvania Credit Union Association
Pennsylvania Public Interest Research Group
Pentagon Federal Credit Union
Public Interest Research Group in Michigan
Public Utility Law Project of New York
Purina Credit Union (MO)
Quackwatch (PA)
Renville–Sibley Cooperative Power Association (MN)
Rhode Island Public Interest Research Group
Royal Oakland Community Credit Union (MI)
S.T.O.P.–Safe Tables Our Priority
SAC Federal Credit Union (NE)
Salt River Project (AZ)
Service Employees International Union
SHISA (FL)
South Carolina Credit Union League
South Dakota Credit Union League
South Dakota Rural Electric Association
Southeastern Electric Cooperative, Inc. (SD)
SRP Federal Credit Union (SC)
St. Louis Community Credit Union (MO)
St. Louis Postal Credit Union (MO)
St. Paul Postal Employees Credit Union (MN)
State Department Federal Credit Union
State of Connecticut Department of Consumer Protection
Sumter Electric Cooperative (FL)
Tallahassee–Leon Federal Credit Union (FL)
Tennessee Valley Public Power Association
Texas Alliance for Human Needs
Texas Citizen Action

Texas Consumer Association
Texas Credit Union League
Texas Legal Services Center
Texas Low Income Housing Information Service
Texas Watch
The Consumer Alliance
The Danny Foundation
The Newspaper Guild of New York, AFL–CIO, Local 3
Tower Federal Credit Union (MD)
Treasury Department Federal Credit Union
U.S. Federal Credit Union
UCAN/Privacy Rights Clearinghouse
Union of Needletrades, Industrial & Textile Employees
UNITE Southwest Credit Union (MO)
United Association of Plumbers & Pipefitters
United Auto Workers
United Auto Workers, Local 2195
United Auto Workers, Local 599
United Food and Commercial Workers International Union
Vantage Credit Union (MO)
Vermont Public Interest Research Group
Victim's Committee for Recall of Defective Vehicles
Violence Policy Center
Virginia AFL–CIO
Virginia Citizens Consumer Council
Virginia Credit Union League
W.E. Morris Institute for Justice
Washington Credit Union League
Washington Public Interest Research Group
Washington Public Utility Districts Association
Waverly Light & Power (IA)
Wells Rural Electric Company (NV)
Wescom Credit Union (CA)
West River Electric Association (SD)
West Virginia Credit Union League
Western Fuels Association
Wisconsin Consumers League

Wisconsin Public Interest Research Group
Wisconsin State AFL–CIO
Woodstock Institute
Wright Patman Congressional Federal Credit Union (DC)
Wyoming Credit Union League